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April 13, 2023

VIA ECF

Magistrate Judge James M. Wicks  
Eastern District of New York  
United States Courthouse  
225 Cadman Plaza East  
Brooklyn, New York 11201

**Re: Naiman v. Big Think**  
**Case No. 22 cv 02531**

Dear Judge Wicks:

Please be advised that our office represents the Defendants regarding the above-noted matter. Further to the Court's directive, please allow this to serve as a status report. As the Court is aware, we have subpoenaed a third-party in California that is in possession of our client's data, which is necessary to provide responses to discovery, and to move this case forward. The third-party ignored our subpoena (with the exception of filing a Complaint in Minnesota Federal Court regarding the matter). And we were forced to commence an action against the third-party in Federal Court in California to enforce the subpoena. That action was commenced and is before the Court, but is not moving at any expedited pace. Our California counsel advised us that the third-party has moved since he was last served, so we are now required to locate him and serve him the legal action. The Court has not yet set the matter down for argument. And though we are optimistic we will be able to move this forward and force a response, exactly when remains uncertain.

We have been in contact with Plaintiff's counsel in this case regarding same. Counsel would like to proceed with depositions, and we are in the process of scheduling same for May. We will advise the Court of same and hopefully will have more clarity at the April 20 conference.

Thank you for your continued cooperation and we look forward to speaking with you at the conference. Please contact us if you have any immediate questions.

Very truly yours,  
*Jeffrey Ettenger*

Jeffrey S. Ettenger